JUN 0 1 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| In re Application of: | Art Unit: 1617 |
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| Henrik PEDERSEN) | Confirmation No.: 9244 |
| Serial No.: 10/522,171) | Washington, D.C. |
| Filed: November 4, 2005 | June 1, 2006 |
| For: GENE SHUFFLING BY TEMPLATE) SWITCHING ,) | Docket No.: PEDERSEN=11 |

INFORMATION DISCLOSURE STATEMENT [IDS] NO. 2

Honorable Commissioner of Patents and Trademarks Washington, D.C. 20231

sir:

This Information Disclosure Statement is submitted in accordance with 37 C.F.R. 1.97, 1.98, and it is requested that the information set forth in this statement and in the listed documents be considered during the pendency of the above-identified application, and any other application relying on the filing date of the above-identified application or cross-referencing it as a related application.

- 1. This IDS should be considered, in accordance with 37 C.F.R. 1.97, as it is filed:
- [] A. within three months of the filing date of the above-identified national application or within three months of the entry into the national stage of the above-identified international application. See 37 CFR 1.97(b).
- $[X]\ B.$ before the mailing date of a first office action on the merits. See 37 CFR 1.97(b).
- [] C. after (A) and (B) above, but before final rejection or allowance, and Applicants have made the necessary certification (box "i" below) or paid the necessary fee (box "i"

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below). See 37 CFR 1.97(c).

- [] i. Counsel certifies that, upon information and belief, each item of information listed herein was either (a) cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS or (b) was not cited in a communication from a foreign patent office in a counterpart foreign application and was not known to any individual designated in 1.56(c) more than three months prior to the filing of this IDS.
 - [] ii. A check for the fee set forth in 1.17(p), presently believed to be \$180, is enclosed (check no.).
- payment of the issue fee. Applicant petitions under 37 C.F.R.

 1.97(d) for consideration of this IDS. A check for the fee set
 forth in 1.17(i)(1), presently believed to be \$130 is enclosed
 (check no. _______). Counsel certifies that, upon
 information and belief, each item of information listed herein
 was either (i) cited in a communication from a foreign patent
 office in a counterpart foreign application not more than three
 months prior to the filing of this IDS or (ii) was not cited in a
 communication from a foreign patent office in a counterpart
 foreign application and was not known to any individual
 designated in 1.56(c) more than three months prior to the filing
 of this IDS.
 - of this IDS.

 [] E. As a submission in accordance with the transitional procedure for limited examination after final

Pursuant to MPEP rejection pursuant to 37 CFR §1.129(a). §706.07(g), page 700-46, col. 2 (February 2000), this IDS is treated as if filed with a period set forth in 37 CFR §1.97(b) and considered without the petition and petition fee required by

- In accordance with 37 C.F.R. 1.98, this IDS 1.97(d). list (e.g., form PTO-1449) of all patents, publications, or other information submitted for consideration by the office, either incorporated into this IDS or as an attachment hereto. A copy of each document is attached, except as explained below.
 - [X] While an IDS filed under §1.97 must contain a "list of all patents, publications or other information submitted for consideration by the Office", see §1.98(a) (1), the only requirement for the list is that it provide the information set forth in §1.98(b). There is no requirement that a form PTO-1449 be used (MPEP §609 merely says that use of this form is "encouraged"). Counsel has used a list provided to him by Applicants, and not transferred the information to a PTO-1449, to avoid the risk of any inadvertent error in transferring the
 - A. Documents _____ are deemed information. ___, and, in substantially cumulative to documents _____ accordance with 1.98(c), only a copy of each of the latter
 - [] B. Certain documents were previously cited by or documents is enclosed. submitted to the Office in the following prior application(s), which are relied upon under 35 U.S.C. 120:

[insert serial number/filing date]

Applicants identify these documents by attaching hereto copies of the form PTO-892s and PTO-1449s from the files of the prior applications or a fresh PTO-1449 listing these documents, and request that they be considered and made of record in accordance with 1.98(d). Per 37 CFR 1.98(d), copies of these documents need not be filed in this application. If copies of any of these documents cannot be found in the files of the prior applications, the Examiner is requested to so notify counsel before taking action in this case, so replacement copies can be submitted. While an IDS filed under §1.97 must contain a "list of all patents, publications or other information submitted for consideration by the Office", see §1.98(a) (1), the only requirement for the list is that it provide the information set forth in §1.98(b). There is no requirement that a form PTO-1449 be used (MPEP §609 merely says that use of this form is "encouraged") and no prohibition on submitting a copy of a form PTO-1449 or form PTO-892 from a prior case. Indeed, the re-use of such forms is desirable as it avoids error in transferring the information, and evidences that the reference was considered in a A previously accepted PTO-1449, or an examiner-prepared PTO-892, necessarily complies with §1.98(b). prior application.

- [] 3. Documents _____ are not in the English language. In accordance with 1.98(c), Applicants state:
 - [] documents _____ already contain an English language abstract, summary or claim set.
 - a publicly available abstract is attached to each of documents _____, and the source of each [] abstract is indicated thereon.

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| are enclosed, as follows: Foreign Lang. Doc.# [insert] |
| ion Lang. Doc.# |
| Foreign name [insert] |
| [insert] [insert] [insert] [insert] |
| [insert] [] applicants have prepared an English translation of at least the pertinent portions of documents at least the pertinent portions. |
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| [] A concise explanation of the attached documents is found in the attached patent Office |
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- No explanation of relevance is necessary for documents in the English language (see reply to Comments 67 and 68 in the preamble to the final rules; 1135 OG 13 at 20).
- 5. Other information being provided for the examiner's consideration follows:

[insert other information]

In accordance with 37 C.F.R. 1.97(g) and (h), the filing of this IDS should not be construed as a representation that a search has been made or that information cited is, or is considered to be, material to patentability as defined in §1.56 (b), or that any cited document listed or attached is (or constitutes) prior art. Unless otherwise indicated, the date of USSN - 10/522,171

publication indicated for an item is taken from the face of the item and Applicant reserves the right to prove that the date of publication is in fact different.

7. The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C. Attorneys for Applicant

Cooper Ρ. Iver Reg. No. 28,005

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SHEET 1 OF PE SERIAL NO: JUN 0 1 2006 ATTY DOCKET NO 10/522,171 FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE PEDERSEN=11 PATENT AND TRADEMARK OFFICE et al. APPLICANT: PEDER LIST OF DOCUMENTS CITED BY APPLICANT **GROUP: 1617** (Use several sheets if necessary) FILING DATE: November 4, 2005 U.S. PATENT DOCUMENTS (include at least patentee, patent number and issue date) FILING DATE SUB-IF APPROP. CLASS CLASS PATENTEE DATE EXAMINER DOCUMENT NUMBER INITIAL FOREIGN PATENT DOCUMENTS (include at least document number, publication date and country) TRANSLATION SUB-CLASS YES/NO COUNTRY CLASS DOCUMENT NUMBER PCT 27 Dec 2002 8 02 CN PCT 27 Dec 2002 0 2 2 81 0 02 CO PCT 25 Sept 2003 5 2 8 6 0 03 CP PCT 12 Feb 2004 0 0 01 04 20 CQ PCT 23 12 2004 9 6 0 PCT 11 04 20 25 March CR 2 9 9 04 02 2004 CS 20 PCT 8 July 2004 4 9 9 6 PCT 05 04 20 25 Sept. CT 5 4 8 4 2003 03 CU PCT 25 Sept 2003 6 8 6 25 Sept 2003 PCT 0 03 CV 0 5 8 0 PCT 25 Sept 2003 03 0 6 CW 4 4 8 PCT 7 0 25 Sept 2003 03 CX 2 8 6 PCT 0 2 Sept 2004 CY 03 5 70 07 4 PCT 04 2 Sept 2004 20 CZ 9 4 4 PCT 30 Sept 2004 04 07 DA 20 7 4 3 08 PCT 04 13 May 2004 20 DB 8 2 -5 9 03 PCT 04 30 Dec 2003 DC 20 4 0 00 PCT 04 20 13 Jan 2005 DD 8 7 00 3 PCT 16 May 2002 05 DE 20 -5 8 2 -3 PCT 1 Oct 1998 0 2 DF 8 -3 2 4 PCT 9 8 15 Jan 1998 DG 8 5 1 8 0 DH 9 DATE CONSIDERED **EXAMINER**

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